

## **Frequently Asked Questions about the ADA and Courts Wisconsin Court System**

The Wisconsin Court System is committed to providing equal access to court programs consistent with the Americans with Disabilities Act (ADA) and other state and federal laws. If you have a disability that restricts your ability to meaningfully participate in court proceedings, you may ask the court to provide you with reasonable and appropriate accommodations.

### **What is the Americans with Disabilities Act?**

The ADA is a federal civil rights statute that requires state and local governments, including the court system, to accommodate the needs of qualified individuals with disabilities. The ADA benefits people who have an interest in court activities, programs, and services.

### **Who qualifies for accommodations?**

A person with a disability may receive an accommodation if the person has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such an impairment. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, learning, and working.

Examples of disabilities include mobility and motor impairments, psychological and mental illness, vision impairments, deafness and hearing loss, and environmental sensitivities. Some temporary disabilities may also qualify.

### **What kinds of accommodations are available?**

Accommodations may include:

- making reasonable modifications to policies, practices, and procedures (such as alternative time schedules, telephone conferences)
- alteration of existing facilities or constructing new facilities (wheelchair accessibility)
- relocation of a service or program to an accessible site
- providing auxiliary aids and services (assistive listening devices, real-time captioning, qualified interpreters, readers, large print and Braille)
- accepting Wisconsin relay calls.

Attorney services, personal services, transportation and lodging are not required accommodations.

### **How do I get an accommodation?**

You must notify the court or program that you need a disability accommodation and suggest the accommodation that best suits your situation. If you do not request an accommodation, the court is not required to provide one. A request for an accommodation may be made at any time, but you should try to notify the court at least 10 business days in advance.

Requests for accommodations may be oral or in writing. You may be asked to complete a Request for Accommodation Form so the court can have a full understanding of your request. If you are unable to fill out the form, you may request a clerk or other court personnel to assist you in writing down the information. In most circumstances you will not need to provide additional medical information, but the court may request supporting documents (such as a note from your physician) in order to make a decision.

**Who do I contact?**

- For circuit court, you request an accommodation by contacting the Clerk of Circuit Courts (<http://wicourts.gov/contact/docs/clerks.pdf>) for the county where the case has been filed.
- For proceedings in front of the Supreme Court, contact the Marshal of the Supreme Court at 608-266-0231.
- For proceedings in front of the Court of Appeals, contact the office of the Presiding Judge (<http://wicourts.gov/about/judges/appeals/index.htm>).
- For accommodations to help you conduct business with court administrative departments, contact the head of the department at: (<http://wicourts.gov/about/organization/offices/index.htm>).
- For state court employment issues, contact the Human Resources Office at 608-267-1940.
- For county employment issues, contact the appropriate county office.

**May the court deny my request for an accommodation?**

The court may deny your request if the request is for personal services or devices (such as hearing aids), if the modification will fundamentally alter the nature of the service, program, or activity (such as providing an attorney for a disabled party when one would not be provided for another party), or if it would pose an undue administrative or financial burden to provide the accommodation (if the proposed accommodation so expensive or time-consuming as to be unreasonable).

**If the court suggests a different accommodation, do I have to accept an alternative accommodation?**

The court is required to provide an accommodation that will effectively allow full participation in the court proceedings. Determining an appropriate accommodation requires an interactive process between you and the court. Your input and suggestions are welcome and important during the process of finding an effective accommodation, but the accommodation selected may not be your first choice. For example, if a juror is blind and requests written material introduced at trial to be transcribed in Braille, the court may consider alternatives such as providing a reader or a tape-recorded transcript of the written material.

**How do I file a complaint if I am not satisfied with the accommodation?**

For the Supreme Court, Court of Appeals, and state court administrative offices, the complaint procedure is described [here](#).

For the Circuit Courts, if you have a complaint about denial of your request, the accessibility of the courthouse, or other matters, please direct your complaint to the District Court Administrator for that county. The District Court Administrator can help pursue the matter with the proper officials. The District Court Administrator will work in conjunction with the county ADA Coordinator or other county officials, and may refer you to the county ADA complaint procedure. The District Court Administrator may also work with the Chief Judge of the Judicial District to address the issue. The Deputy Director of State Courts for Court Operations will provide technical assistance and information about accessibility of court services.

\* These questions and answers are adapted from the ADA website of the Judicial Council of California. We thank them for their materials.